

RECLAMATION

Managing Water in the West

Draft Environmental Assessment

Wind Warning Light Upgrade at San Luis Reservoir State Recreation Area

EA 08-12



**U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
South Central California Area Office
Fresno, California**

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Acronyms and Abbreviations

APE	Area of Potential Effect
CDPR	California Department of Parks and Recreation
CDWR	California Department of Water Resources
CNDDDB	California Natural Diversity Database
CTS	California Tiger Salamander
DBW	Department of Boating and Waterways
EA	Environmental Assessment
ESA	Endangered Species Act
ft	foot or feet
FWCA	Fish and Wildlife Coordination Act
GBEPA	Gold and Bald Eagle Protection Act
ITA	Indian Trust Assets
MBTA	Migratory Bird Treaty Act
National Register	National Register of Historic Places
NHPA	National Historic Preservation Act
Reclamation	United States Bureau of Reclamation
SJKF	San Joaquin Kit Fox
SLR	San Luis Reservoir
SLRSRA	San Luis Reservoir State Recreation Area
Sq ft	square foot or feet
SRA	State Recreations Area
USFWS	United States Fish and Wildlife Service
WWL	wind warning lights

Section 1: Purpose and Need for Action

1.1 Background

San Luis Reservoir (SLR) covers approximately 27,000 acres of Bureau of Reclamation (Reclamation) owned land in Merced County, California between U.S. 101 and Interstate 5 approximately two hours south of San Francisco (Figure 1-1).

The project area is owned by Reclamation and was built as part of the water storage and delivery system of reservoirs, aqueducts, power plants, and pumping stations operated under the California State Water Project and Central Valley Project. Construction on the SLR was completed in 1967; Reclamation was the constructing agency and the California Department of Water Resources the operating agency. In 1969, Reclamation transferred control of the operation and maintenance of the Reclamation recreation-related lands and facilities to the California Department of Parks and Recreation (CDPR). Reclamation and CDPR coordinate on the construction of new or replacement recreation facilities.

- The mission of CDPR is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality recreation.

CDPR has an agreement with Reclamation to manage Reclamation lands surrounding SLR and O'Neill Forebay for recreation purposes. CDPR also has the responsibility of maintaining the infrastructure needed for health and safety of the recreational enthusiasts. This includes providing boating safety features. The average number of visitors to SLR is documented at over 500,000 per year.

Over the last 20 years the current wind warning lights (WWL) have provided a visual wind warning to boaters using SLR and O'Neill Forebay, collectively known as the San Luis Reservoir State Recreation Area (SLRSRA). The current lights have helped to save many lives; however, they are not visible from all locations and from the distance necessary to be viewed.

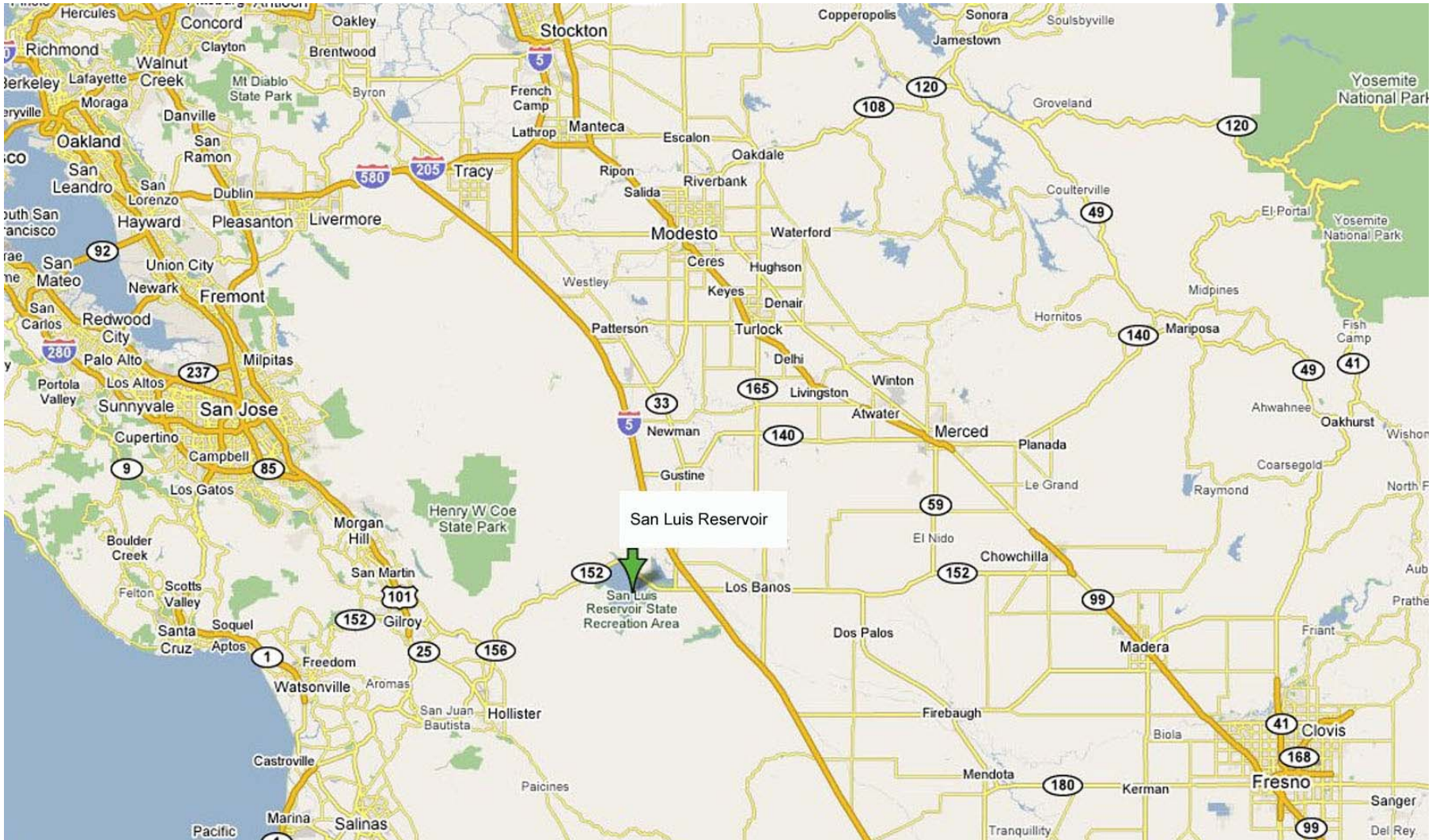


Figure 1-1: Vicinity Map

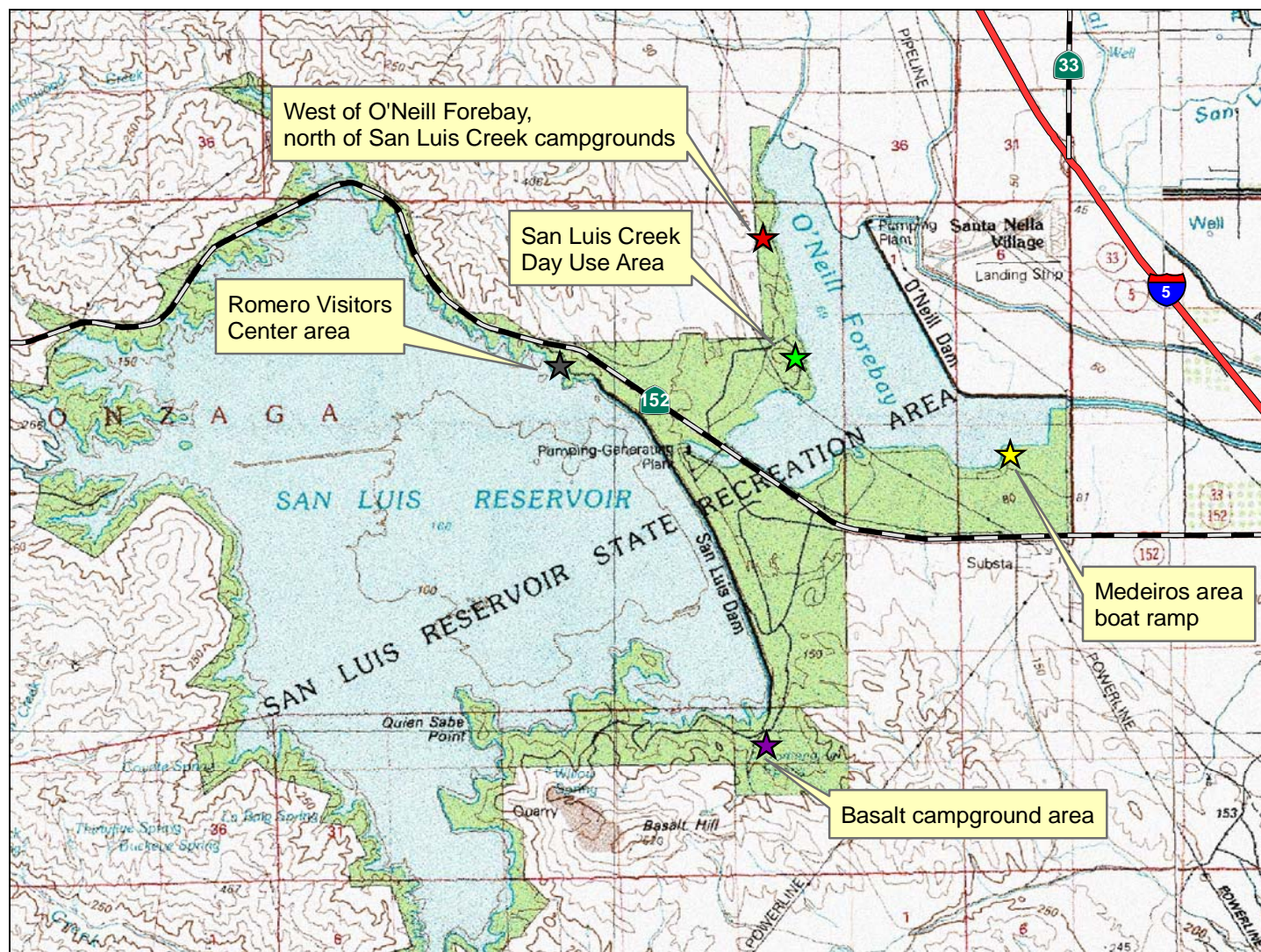


Figure 1-2. Location of Existing and Proposed Sites for Wind Warning Lights.

1.2 Purpose and Need

The need for the project is to improve the safety of boating at SLRSRA. SLR and O'Neill Forebay have been known for sudden and high winds, causing the water to become choppy and unmanageable for boaters. The Department of Boating and Waterways (DBW) is funding the project as it would enhance the safety of boating on the reservoir by upgrading with new lights that would provide greater visibility and warning ability to the boaters. This project would upgrade the current lights to Hali-Brite lights which would enhance visibility and forewarning to boaters over greater distances.

1.3 Scope

This environmental assessment (EA) has been prepared to examine the impacts on environmental resources as a result of the retrofit of four existing WWL systems and the installation of one new WWL at SLRSRA. The areas that would be impacted would be the Basalt campground area, the San Luis Creek Day Use Area, Medeiros area boat ramp, Romero Visitors Center area, and the area west of O'Neill Forebay and south of the San Luis Creek campground (Figure 1-2). The Proposed Action, if implemented, would result in structures that would last until replacement is necessary which is expected to be 20 to 30 years. This EA will analyze the impacts of the Proposed Action in these areas throughout the SLRSRA and over the life of the project.

1.4 Potential Issues

- Biological Resources
- Cultural Resources
- Recreation/Visitor Services
- Indian Trust Assets
- Environmental Justice
- Socioeconomic Resources

Section 2: Proposed Action and Alternatives

2.1 No Action Alternative

Under the No Action Alternative WWL and kit fox den construction would not occur; the park would continue to operate with the existing WWL systems. Areas of SLRSRA would continue to be utilized by boaters with limited or no WWL visibility and warning.

2.2 Proposed Action

Reclamation proposes to approve the retrofit of four existing WWL systems and the installation of one new WWL system at SLRSRA. Additionally, as part of the project, three kit fox dens with chambers would be installed. CDPR agrees to maintain these kit fox dens and to not apply pesticides at the wind warning sites.

The WWLs would be located at SLR and O'Neill Forebay as proposed by CDPR and DBW. (See Figure 1-2.)

At San Luis Reservoir the following is proposed:

- Upgrade light at the Romero Visitor's Center on the north side of the reservoir
- Basalt area light would be remounted and new concrete pad installed

At O'Neill Forebay the following is proposed:

- A light near the San Luis Creek water treatment plant would be upgraded with a new tower and light and new supporting concrete pad
- The Mederios area would be upgraded with a new tower and light and new concrete pad
- A new WWL system, including concrete pad, tower and light would be added on the west side of the O'Neill Forebay north of the San Luis Creek north of the Group Camps

Wind Warning Light Specifications and Construction:

West side of the O'Neill Forebay, north of the Group Camps

This site is located on the west side of the O'Neill Forebay approximately ½ mile south of the San Luis Creek campground. Currently, there is no light at this site. A WWL system would be constructed adjacent to a dirt access road to a large steel water tank located approximately 35 yards north of the light tower site. Power for this light would come from a high-voltage line running north/south approximately 250 feet west of the site. The hook-up to this power line would be approximately 500 feet northwest of the large water tank. The power line to the light tower would run southeast from the current utility lines requiring two poles to reach the site. A hole

approximately 14 inches in diameter and approximately 7 ft deep for each pole (total area of both holes is approximately 2 square feet. (sq. ft)) would be dug with an auger. The light for this site would be a Hali-Brite two color system. The light would be mounted atop a 20-foot high three-sided, steel tower. The tower would be mounted on a 13-foot wide by 13-ft long by 2.5 ft high concrete pad (area 169 sq. ft.), thus the total area of grassland permanently covered would be approximately 171 sq. ft). The concrete pad would require a hole approximately 15 ft by 15 ft by 2.5 ft deep and an additional area of approximately 56 sq. ft. (225 sq. ft less 169 sq. ft.) would be temporarily disturbed. This hole would be dug by a backhoe or an excavator. The tower would be erected by a vehicle crane parked on the dirt road adjacent to the site. The total height of this light and tower would also be approximately 25 ft. The staging area for this site would be inside the cyclone fenced area of the water tank located approximately 35 yards north of the light tower site. The area of the site appears to have been previously graded some years ago, presumably when the water tank was installed.

The Medeiros Area Boat Ramp

The Medeiros area light is located adjacent to the former Medeiros area boat ramp. The former boat ramp is located at the east end/south side of the O'Neill Forebay. Currently, an old style pair of WWLs is in operation at this site. The current light system consists of two lights mounted on an 18-ft vertical beam tower, surrounded by a 14-ft square cyclone fence. The replacement light would be a single, Hali-Brite two color rotating light. This light would be mounted atop a 20-ft three-sided, steel tower. The tower would be mounted on an approximately 13-ft wide by 13-ft long by 2.5 ft high cement pad (169 sq. ft. total area). The current fenced footprint encloses 14 ft by 14 ft, or 196 sq. ft., or 27 sq. ft. more than the area that would be permanently covered. The new pad would require a hole to be dug that is approximately 15 ft by 15 ft by 2.5 ft deep, consequently 29 additional sq. ft. of area above the current footprint would temporarily be disturbed. However, the fence would not be re-erected. The hole would be dug by a backhoe or excavator. The total height of the completed light with tower would be approximately 25 feet. The tower would be erected using a crane vehicle. The staging area would be located approximately 20 yards away at the former boat ramp area. No changes or upgrades in the power source are anticipated. A paved access road to the tower site already exists.

San Luis Creek

This site is located at the San Luis Creek Area of the O'Neill Forebay approximately 60 yards east of the San Luis Creek Water Plant. This system is mounted on a steel tower and is over eighteen years old. The current system is mounted atop an 18-ft single steel beam tower. This light would be replaced with a single Hali-Brite two-color light system, mounted on a 20-ft three-sided, steel tower. This tower would also be mounted on a 13 ft by 13 ft by 2.5 ft high cement pad. This would cover an existing pad of approximately 12 sq. ft. in size, yielding permanent coverage of approximately 157 sq. ft. Construction of this pad would be the same as described above, so an additional 56 sq. ft. of area of grassland would be temporarily disturbed. The total height of the tower and light would also be approximately 25 ft. Power to this site would come from the current electrical system. The

staging area would be located approximately 80 yards away at the water plant parking area. There is currently an old dirt access road to this location so no new road development would be needed.

Romero Visitors Center

This site is located on the north side of SLR near the end of the San Luis Dam. This location currently has two lights; one red and one blue revolving light and needs an upgrade. Both lights are located on the southwest side of the visitor center building. These lights are over 18 years old and a new brighter system is needed to replace these lights. Currently, there are three short cement pedestals that support the old lights. These pedestals are approximately 30 inches in diameter and 2 feet in height and may extend into the ground approximately 24 inches. The two lights would be replaced by a single, Hali-Brite two-color rotating light system. A current cement pedestal would be reused and a single new light would be installed on the pedestal. The light would be powered by the current electrical system. There should not be any additional ground disturbance in this location. New protective cages would be put around each light in order to eliminate any need for a security fence. This site is not considered kit fox habitat. The rounded steel cage would be approximately 45 inches in height and approximately 40 inches in diameter. The staging area for this area of the project would be in the Romero Visitor's Center parking lot.

Basalt Area Light

The Basalt area light is located at the south end of the San Luis Dam approximately 30 yards northeast of the Basalt Entrance Station. Currently, the Basalt area light is a newer Hali-Brite system mounted on an approximately 18-ft single beam vertical tower. The current light would be reused. The current tower would be replaced with a new 20-ft high three-sided, steel tower. The cement pad would be removed and a new cement pad would be installed. The tower would be mounted on an approximately 13-ft wide by 13-ft long by 2.5 ft high cement pad. The pad would require a hole to be dug that is approximately 15 ft by 15 ft by 2.5 ft deep. The hole would be dug by a backhoe or excavator. The total height of the completed light with tower would be approximately 25 ft. The tower would be erected using a crane vehicle. The existing cyclone fence is 16 ft by 16 ft. It would be removed and replaced by park personnel, but the temporary and permanent disturbance would occur within the footprint of the existing fence. The staging area for this site would be at the Fisherman's Point parking lot located approximately 200 yards northeast of the site.

Installation & Maintenance of Kit Fox Dens:

Standard kit fox avoidance measures would be instituted for the Proposed Action (Service 1999). Additionally, a CDPR biologist would provide a listed species education and awareness program to project personnel prior to commencement of construction activities. The program shall consist of a brief presentation by the U.S. Fish & Wildlife Service (USFWS) approved biologist(s) to explain endangered species issues to all involved in the construction and ground disturbing portions of the project. The program shall include: description of listed species that potentially occur on the project site, and their habitat needs; an explanation of the status of this species and their protection under the

Endangered Species Act (ESA); associated consequences of non-compliance with these regulations; and a description of the measures being taken to reduce effects to these species during project construction and implementation. Documentation of the training, including original individual signed affidavits, shall be submitted to the USFWS within 10 working days of completion.

Additionally, no pets are permitted at the worksite. All steep-walled trenches or excavations will include escape ramps, or otherwise be covered when appropriate to prevent wildlife entry. Escape ramps will be provided in any trenches or excavations at no more than a 2:1 slope for every ¼ mile of trench and at each end. At least one escape ramp will be provided for excavations less than ¼ mile. USFWS approved biologist will inspect all trenches for wildlife immediately prior to backfilling.

Three kit fox dens would be installed as part of the project. The dens would be of a standard chamber design, as described in an e-mail communication from Dr. Bryan Cypher, an expert on kit foxes, to Dr. Ned Gruenhagen on May 22, 2008. The exact location for the den sites have not been defined; however, they would be located in areas that will not affect safety, recreation, existing or planned facilities, or the operations and maintenance needs at SLRSRA. The USFWS would participate in choosing locations for the artificial den sites. According to Dr. Cypher "in general, areas that are 'out of the way' and won't be disturbed are good candidates." If an area west-northwest of the existing San Luis Creek site, and the "new" wind warning site north of the San Luis Creek Group Area (both these sites are west of O'Neill Forebay) meets these needs, the dens may be located there. An excavation with a backhoe or excavator would be used to dig the holes for the dens and to cover the structures.

The CDPR has agreed to maintain the dens in a condition suitable for kit fox use, which includes annual cleaning of the entrances of the access/egress tunnels. The CDPR further has agreed to not apply pesticides at the wind warning sites.

Section 3: Affected Environment

3.1 Biological Resources

3.1.1 Affected Environment

This section describes the existing conditions of the natural communities; sensitive plant communities; wetlands and other waters of the United States; threatened, endangered and other special-status species of plants and animals; and invasive species of plants and animals in and around the project area.

Conditions in the area result in very dry soil that typically only supports annual grasslands and scrub-type vegetation. Riparian vegetation types along stream corridors and reservoir margins also occur in the project vicinity; however, the campground and day use areas have been planted with non-native trees for shade. The naming system used in *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995) was used to address the vegetation types in this report.

San Joaquin Kit Fox (*Vulpes macrotis mutica*) – This Federal Endangered and California Threatened species occurs in annual grasslands with scattered shrub components throughout portions of the San Joaquin Valley. The San Joaquin kit fox (SJKF) diet consists mostly of small mammals, including the California ground squirrel (*Spermophilus beecheyi*). Dens are used for breeding, shelter from weather, predator avoidance, and for thermoregulation. SJKF can dig dens, can use burrows of other animals, or use artificial sites such as culverts or pipes.

The SJKF has been recorded in the action area (CNDDDB 2008) but information in the baseline suggests that population density of SJKF in the project area would be very low, or possibly include transient individuals. Nevertheless, the grassland within the action area provides suitable habitat for SJKF and this species could occur in the project area when the project is being conducted.

3.1.2 Environmental Consequences

No Action

Under the No Action Alternative, there would be no change in current conditions with regard to natural communities, plants, or wetlands, as no new facilities would be constructed.

Proposed Action

Effects from the project will be the anticipated loss of approximately 0.019 acres of disturbed introduced annual grassland habitat adjacent to existing paved or earthen roads accessing existing recreation and safety facilities. Approximately 0.012 acres will be lost permanently.

Ambient noise levels will increase from project construction. The noise increase will occur during the daytime from vehicle operation, construction activity and worker communications. The construction equipment is expected to meet California state standards to avoid excessive noise levels.

In addition to an increase in background noise, vehicular traffic at SLRSRA will increase as a result of project vehicles accessing the work sites. Access to the wind warning lights at the Romero Visitors center is via State Highway 152 and paved asphalt roads connecting to the highway. The access to the Basalt wind warning light will be via paved roadway and an earthen spur that extends approximately 15 ft from paved road. The use of this spur would not further disturb habitat. The increase in vehicle traffic to these sites is expected to increase little, as these sites are already heavily accessed, excepting the approximate 15 ft from the road edge at the Basalt site, which lies about 100 ft from the Basalt entrance station. Access to the WWL sites west of O'Neill Forebay is off existing earthen roadway. Although current access to these sites is low, the increase for the project will be small because construction requirements are minimal.

Direct take could occur from strikes by heavy equipment or collisions with construction vehicles. This effect is not likely to occur because construction work on the project will be limited to daylight hours and because the construction sites are in areas with relatively high human use and activity, which are likely less attractive to SJKF than more isolated areas of SLRSRA. Additionally, standard kit fox avoidance measures (Service 1999) are being implemented, and these include speed limits on construction vehicles, which would minimize the chance a SJKF could be struck.

Direct and indirect effects to SJKF may occur from the loss of habitat. The small loss of grassland habitat (less than two-tenths of an acre) could reduce the foraging area for SJKF in the immediate term, but also will, over time, effectively reduce the amount of habitat available to support this species. The loss of the small amount of habitat will be mitigated, however, by the installation of the dens for kit fox. The dens will provide habitat features in the landscape that are limiting and should enhance the ability of SJKF to move safely through the landscape around O'Neill Forebay. The dens also should enhance the suitability of the surrounding grassland habitat by providing refugia from predators that are common in the region (Constable et. al. 2006).

The project may also indirectly affect SJKF over time by promoting greater utilization of the recreation facilities and concomitant higher levels of background disturbance. Although a gradual increase would be expected naturally with the increased human population in the region, the effect could result in lower use of the available habitat, except by tolerant individuals.

Cumulative Impacts

Within the vicinity of the action area, future state, local, or private actions are most likely to affect SJKF through the loss and degradation of habitat as a result of urbanization and road and utility right-of-way expansion, through direct effects related to construction, and indirect effects associated

with increased traffic and unregulated use of occupied habitat by people and their pets. Much urbanization may depend on water from federal source, in which case completion of a Section 7 consultation with Reclamation, the Army Corps of Engineers, or the Federal Highway Administration could occur. In the absence of a Section 7 consultation with a federal agency, a Section 10 consultation would be expected.

Cumulative effects that would affect SJKF include primarily effects stemming from urban growth in the region. Associated with this growth, there may be increased chance for take from poisoning from illegal use of rodent control baits, illegal hunting, increased vehicle strikes and increased disturbance from human activities.

3.2 Cultural Resources

3.2.1 Affected Environment

Cultural resources is a term used to describe both archaeological sites depicting evidence of past human use of the landscape and the ‘built environment’ which is represented in structures such as dams, roadways, and buildings. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation which outlines the Federal Government’s responsibility to cultural resources. Other applicable cultural resources laws and regulations that could apply include, but are not limited to, the Native American Graves Protection and Repatriation Act, and the Archaeological Resources Protection Act. Section 106 of the National Historic Preservation Act (NHPA) requires the Federal Government to take into consideration the effects of an undertaking listed on cultural resources on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties. The term historic properties may also include traditional cultural properties and Native American sites of religious or cultural significance.

The Section 106 process is outlined in the Federal regulations at 36 CFR Part 800. These regulations describe the process that the Federal agency (in this case Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office, to seek concurrence on Reclamation’s findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

Archaeological resources in this area are generally prehistoric in nature and include remnants of native human populations that existed before European settlement. Prior to the 18th Century, many

Native American tribes inhabited the Central Valley. It is possible that many cultural resources lie undiscovered across the valley. The San Joaquin Valley supported extensive populations of Native Americans. Cultural studies in the San Joaquin Valley have been limited. The conversion of land and intensive farming practices over the last century has probably destroyed many Native American cultural sites.

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, CDPR would not proceed with upgrading the existing WWLs and newly installing one WWL. Since nothing would change in the action area, the No Action Alternative would have no effect on cultural resources.

Proposed Action

Reclamation has made a determination that the Proposed Action has no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1), therefore no additional consideration under Section 106 of the NHPA is required.

Cumulative Effects

Since the Proposed Action would have no effect on the environment, there would be no cumulative effect of the action.

3.3 Recreation

3.3.1 Affected Environment

Although primarily water storage facilities, SLR and O'Neill Reservoir offer numerous recreational opportunities. Activities include: boating, windsurfing, camping, hiking, picnicking and fishing. The table below demonstrates the popularity of SLR as a destination for boating enthusiasts.

Table 3-1 Boat Launches by Location

Year	San Luis Creek Use Area	Medeiros Use Area	Basalt Use Area	Dinosaur Point Use Area	Los Banos Creek Use Area	Total
2000-2001	4,838	364	1,558	1,354	3,992	12,106
2001-2002	5,999	85*	8,155	3,012	4,915	22,166
2002-2003	5,602	0*	12,602	6,663	4,790	29,657
Average	5,480	150*	7,438	3,676	4,566	21,310
% increase 2000-2003	16%	N/A	709%	392%	20%	145%

* Boat ramp closed mid year; 2005 SLRSRA

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, CDPR would not proceed with the project and facilities would continue to be a safety hazard for boaters as WWL visibility and reservoir coverage would remain as it currently exists.

Proposed Action

Upgrading the existing WWL and adding the new WWL would improve visibility and coverage of the WWL safety alert system. Boating over the period 2000 to 2003 has increased substantially at various ramps, increasing from 16 percent to 709 percent depending on the launch site. Overall boat launches have almost tripled, going up from 12,106 per year to 29,657 per year. With more boaters on the reservoirs, a more visible WWL system with more coverage would provide greater protection to boaters.

Cumulative Effects

Boater safety would be enhanced by the WWL. As this is the only wind notification system, there would be no cumulative effects of the Proposed Action.

3.4 Socioeconomic Resources

3.4.1 Affected Environment

The SLRSRA averages approximately 500,000 visitors per year. The volume of visitors at the SRA affects both the economic stability of the recreation area facility operations and the tourism in the surrounding cities. The cities most likely benefiting from visitors to SLRSRA are Santa Nella and the City of Los Banos.

3.4.2 Environmental Consequences

No Action

The public is likely to be unaware of the shortcomings of the WWL system at the reservoirs. Not upgrading the WWLs is unlikely to deter boaters. The tourism brought to the surrounding area would not be affected.

Proposed Action

The public is likely to be unaware of the shortcomings of the WWL system at the reservoirs. Upgrading the WWLs is unlikely to attract boaters. The tourism brought to the surrounding area would not be affected.

Cumulative Effects

The Proposed Action has no cumulative effects on socioeconomic resources.

3.5 Indian Trust Assets

3.5.1 Affected Environment

Indian trust assets (ITAs) are legal interests in assets that are held in trust by the U.S. Government for federally recognized Indian tribes or individual Indians. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the Interior is the trustee for the United States on behalf of federally recognized Indian tribes. “Assets” are anything owned that holds monetary value. “Legal interests” means there is a property interest for which there is a legal remedy, such as compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something. ITAs cannot be sold, leased or otherwise alienated without United States’ approval. ITAs may include lands, minerals, and natural resources, as well as hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, ITAs may be located off trust land.

Reclamation shares the Indian trust responsibility with all other agencies of the Executive Branch to protect and maintain ITAs reserved by Indian tribes, or individual Indians by treaty, statute, or Executive Order.

The nearest ITA to this action is located about 27 miles away.

3.5.2 Environmental Consequences

No Action

Under the No Action Alternative there would be no impacts to ITA, since conditions would remain the same as exiting conditions.

Proposed Action

There are no tribes possessing legal property interests held in trust by the United States in the action area for these alternatives. This action would have no adverse effect on ITA.

Cumulative Effects

The proposed action has no impacts on ITAs, and therefore does not contribute to cumulative effects on those resources.

3.6 Environmental Justice

3.6.1 Affected Environment

Executive Order 12898, dated February 11, 1994, requires Federal agencies to ensure that their actions do not disproportionately impact minority and disadvantaged populations. The market for seasonal workers on local farms draws thousands of migrant workers, commonly of Hispanic origin from Mexico and Central America. The population of some small communities typically increases during late summer harvest.

3.6.2 Environmental Consequences

No Action

Under the No Action Alternative there would be no impacts to low income or disadvantaged populations. Recreational opportunities would be available to all populations equally.

Proposed Action

The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. There would be no changes to existing conditions. Employment opportunities for low-income wage earners and minority population groups would be within historical conditions. Disadvantaged populations would not be subject to disproportionate impacts.

Cumulative Effects

The Proposed Action has no impacts on Environmental Justice, and therefore do not contribute to cumulative effects on this resource.

Section 4: Regulatory Guidance

4.1 Fish and Wildlife Coordination Act (16 USC Sec . 651 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The Proposed Action is not a water development project and therefore the FWCA does not apply.

4.2 Endangered Species Act (16 USC Sec . 1521 et seq.)

Section 7 of the ESA requires Federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened

species, or result in the destruction or adverse modification of the critical habitat of these species. Reclamation has requested a concurrence from the USFWS that the Proposed Action will not adversely affect endangered species. No action will be taken on this proposal until after Reclamation has received the USFWS' response to Reclamation's request.

4.3 National Historic Preservation Act (16 USC Sec. 470 et seq.)

Section 106 of the NHPA requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological and cultural resources. Reclamation has made a determination that the Proposed Action has no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1), therefore no additional consideration under Section 106 of the National Historic Preservation Act is required.

4.4 Migratory Bird Treaty Act (16 USC Sec. 703 et seq.)

The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior (Secretary) may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

The Proposed Action would have no effect on birds protected by the Migratory Bird Treaty Act.

4.5 Executive Order 11988 – Floodplain Management and Executive Order 11990-Protection of Wetlands

Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The project would not affect either concern.

Section 5: List of Preparers and References

5.1 Preparers

Judi Tapia	Supervising Natural Resource Specialist
Patti Clinton	Natural Resource Specialist – reviewer
Michael Inthavong	Natural Resource Specialist – reviewer

Section 6.0 References

2005 SLRSRA San Luis Reservoir State Recreation Area Draft Resource Management Plan/
Preliminary General Plan, Draft Environmental Impact Statement/ Environmental Impact
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